IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 4800 of 1996

Between:

R.R.Sekhar, S/o Sri Lakshmi Narayana,
H.No.1-6-195/2/A, Balajinagar,
Musheerabad, Hyderabad.

..... PETITIONER

AND

1 The Andhra Pradesh State Road Transport Corporation,

rep., by its Managing Director,
Musheerabad, Hyderabad
2 The Regional Manager, A.P.S.R.T.C., Hyderabad City Region,
J.B.S.Picket, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from the 2nd respondent and issue an order, direction or writ, particularly one in the nature of writ of mandamus, declaring that the action of the 2nd respondent in reverting the petitioner from the post of controller to conductor by proceedings No.E1/813(1)/95-HCR, Dt.29/02/1996 as illegal, unjust, contrary to law, contrary to regulations, in violation of principles of natural justice, arbitrary, discriminatory and in violation of Articles 14,16 and 21 of the Constitution of India and grant all consequential benefits.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondents: MR.C.V.RAMULU

(SC FOR A.P.S.R.T.C.)

The Court made the following :

O R D E R:

Heard both sides.

The petitioner who has been working as a Controller with the respondent-Corporation, filed this writ petition, *inter alia,* seeking to assail the impugned order dated 29-02-1996, whereunder he was reverted to the post of Conductor.

The case of the petitioner is that he was initially appointed as a conductor in 1973. Having regard to his long service, he was promoted to the post of Controller. However, the respondents, through the impugned order, reverted the petitioner to the post of Conductor.

The grievance of the petitioner is that the respondents passed the impugned order of reversion without issuing any notice and without providing any opportunity of hearing to the petitioner. Hence, the writ petition.

In the counter-affidavit filed on behalf of the respondents, it is stated that as per the order dated 17-05-1995, the promotions provided to the petitioner and other candidates were cancelled as the same were found contrary to law, and therefore, the impugned order is passed giving effect thereto.

Having heard the learned counsel on either side and on perusal of the material on record, especially the counter-affidavit, it is seen that the petitioner is neither aware of the proceedings dated 17-05-1995 nor any such order has been communicated to him. Admittedly, either the proceedings dated 17-05-1995 or 29-02-1996 are without any prior notice or opportunity to the petitioner. It is now well settled that once having been regularly promoted to a higher post, the same cannot be interdicted, especially without any prior notice, opportunity or valid reason.

In the circumstances, the proceedings dated 17-05-1995 and 29-02-1996 are hereby set aside and the writ petition is allowed. It is however open to the respondents to pass appropriate orders after giving notice and opportunity to the petitioner, in accordance with law. No costs.

(**B. PRAKASH RAO, J**)

Date: 24-11-2004

ghn

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Wednesday, the twenty fourth day of November, Two thousand and Four.

To

1 The Managing Director, Andhra Pradesh State Road

Transport Corporation, Musheerabad, Hyderabad

2 The Regional Manager, A.P.S.R.T.C., Hyderabad City Region, J.B.S.Picket, Secunderabad.

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